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Gateway determination report – PP-2021-4088

Liverpool Planning Proposal – Draft Amendment 94 (77 Moore Street and 193 Macquarie Street, Liverpool)

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Council report and resolution

Local Planning Panel Report and Minutes

1 Planning proposal

1.1 Overview

Table 1 Planning proposal details

LGA	Liverpool Local Government Area
PPA	Liverpool Council
NAME	Draft Liverpool LEP 2008 (Amendment 94) (180 homes, 318 jobs)
NUMBER	PP-2021-4088
LEP TO BE AMENDED	Liverpool LEP 2008
ADDRESS	77 Moore Street and 193 Macquarie Street, Liverpool
DESCRIPTION	Lot 1 DP 628824 and Lot 2 DP 1189772
RECEIVED	23/06/2021
FILE NO.	EF21/9424
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal (**Attachment A**) applies to 77 Moore Street and 193 Macquarie Street, Liverpool. The subject site consists of two adjoining lots (**Figure 1**, on page 5), located within Liverpool CBD. It is identified as an 'intensive urban development area' in the LEP and is zoned B4 Mixed Use.

The proposal is to make amendments to the provisions applying to the site as follows:

- Amend designation of the site from 'Area 11' to Area 8' on the FSR 011 map;
- Repeal Clause 7.40; and
- Delete reference to 'Area 11' in Clause 7.1A.

The proposal is to increase development potential on the site to facilitate a development proposal for a mixed residential tower and commercial/retail development on lower ground floors, resulting in 180 dwellings and 318 direct and indirect jobs. These uses are permissible in the existing zone.

No changes are proposed to the current B4 Mixed Use zone on the sites.

The objectives of the planning proposal are clear and adequate.

1.3 Explanation of provisions

The objectives and intended outcomes of the Planning Proposal are to be achieved by amending the FSR Map to identify the site from the current 'Area 11' to 'Area 8' on the FSR map 011.

The proposed 'Area 8' will trigger the application of the bonus Clause 7.5A (Additional provisions relating to certain land at Liverpool city centre). The subject site meets the 1,500m² and two street frontages criteria in the clause.

The application of Clause 7.5A will enable the subject site to:

- have at least have 20% of the gross floor area of a development is used for the purpose of centre-based child care facilities, commercial premises, community facilities, educational establishments, entertainment facilities, functions centres, hotel or motel accommodation, information and education facilities, medical centres or public administration buildings;
- increase the existing FSR of 3:1 to be increased to 10:1; and
- increase the existing developable height on the site to exceed 100m.

Clause 7.5A has additional requirements for development such as a DCP, recreation areas, community facilities, through site links or public car parks.

The site is the only site in Liverpool LGA currently identified as 'Area 11'. To facilitate the proposed changes, the Floor Space Ratio Map will be amended to identify the site as 'Area 8'. As a result, the site-specific Clause 7.40 (Maximum floor space that may be used for residential purpose for certain land in Zone B4 at Liverpool) will become redundant and is proposed to be deleted.

Clause 7.1A (Arrangements for designated State public infrastructure in intensive urban development areas) will also be amended as a result so that any reference to 'Area 11' is removed from the LEP. This SAC clause already applies to 'Area 8' and will apply to the subject site.

In summary, the planning proposal seeks to amend the Liverpool LEP 2008 as below:

Table 2 Current and proposed development controls

	Current controls	Proposed controls
Proposed Area (FSR Map 011)	Area 11	Area 8
Clause 7.5A (Additional provisions relating to certain land at Liverpool city centre)	Not applicable	Will apply to the proposed Area 8
Site Specific Clause 7.40 (Maximum floor space that may be used for residential purpose for certain land in Zone B4 at Liverpool)	Yes	Remove clause as Area 11 will not exist anymore in the LGA.
Clause 7.1A (Arrangements for designated State public infrastructure in intensive urban development areas)	Yes	Remove Area 11 from the clause. Will apply to the proposed Area 8.

The planning proposal was accompanied by an Economic Impact Addendum (Urbis, April 2021) at **Attachment G**, Addendum Heritage Statement (**Attachment F**), Preliminary Archaeological Assessment (Urbis, May 2021) at **Attachment H**, and Urban Design Report (Urbis, January 2021) at **Attachment I**.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved. It is considered the planning proposal is the best way to achieve the proposal outcomes.

1.4 Site description and surrounding area

The site is known as 193 Macquarie Street (Lot 2 in DP 1189772) and 77 Moore Street (Lot 1 in DP 628824), Liverpool and has a total area of 1,931m². The site is in the Liverpool city centre and is within 450m to Liverpool Railway Station and the public transport hub. It currently comprises retail buildings and at-grade car parking (**Figure 1**).

The subject site is identified as an 'intensive urban development area' in the LEP and is zoned B4 Mixed Use. It adjoins land zoned B4 Mixed Use and B3 Commercial Core in the CBD. Surrounding land are identified as Areas 7, 8, 9 and 10 being intensive urban development areas in the Liverpool city centre. Clause 7.1A Arrangements for designated State public infrastructure in intensive urban development areas applies to the land.

Figure 1 Subject site (source: planning proposal)



The site directly fronts the Macquarie Mall pedestrian walkway to the east and Liverpool Plaza to the north, within the Liverpool city centre. The surrounding area comprises a mix of retail and commercial uses focused around Macquarie Street and Elizabeth Street which are undergoing urban redevelopment. There are high density residential and mixed-use developments in the city centre with further development applications currently with Council for high-rise mixed-use buildings in the surrounding area.

Liverpool Plaza directly north of the site is a mix of low-rise retail premises. Further north is St Luke's Anglican Church and Westfield Liverpool. Directly south of the site along Macquarie Street are a line of retail shops, with industrial and residential development located further south.

To the east of the site is the Macquarie Street Mall. Further east is Liverpool Civic Place with University of Wollongong Campus, the Courthouse, Police Station, Liverpool City Council and Liverpool Library).

The site is zoned B4 Mixed Use and surrounded by B4 Mixed Use and B3 Commercial Core zones in the Liverpool CBD. The zone allows boarding houses, commercial premises, function centres, Centre-based childcare facilities, community facilities, medical centres, multi dwelling housing, residential flat buildings, seniors housing, shop top housing, tourist and visitor accommodation and the like. Permissible FSR on the site is 3:1 and maximum height is 100m. Clause 7.40 of the LEP restricts no more than 62.5% GFA of all buildings on the site for residential purposes.

Figure 2 Site context (source: Google Maps)

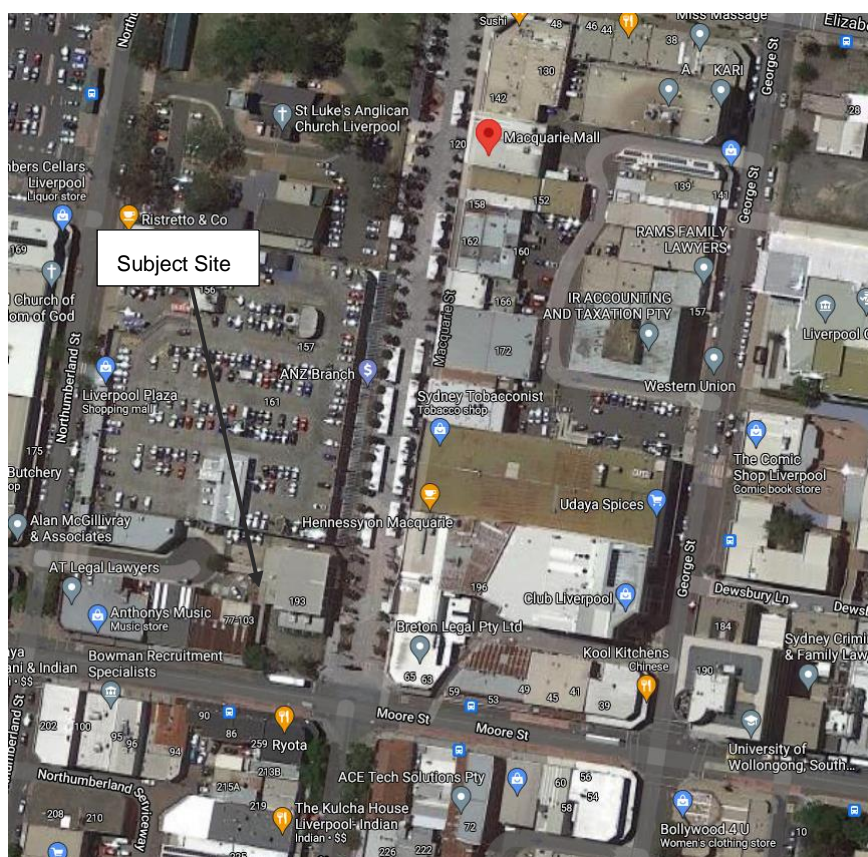


Figure 1 Land zoning map 011 (source: LEP)

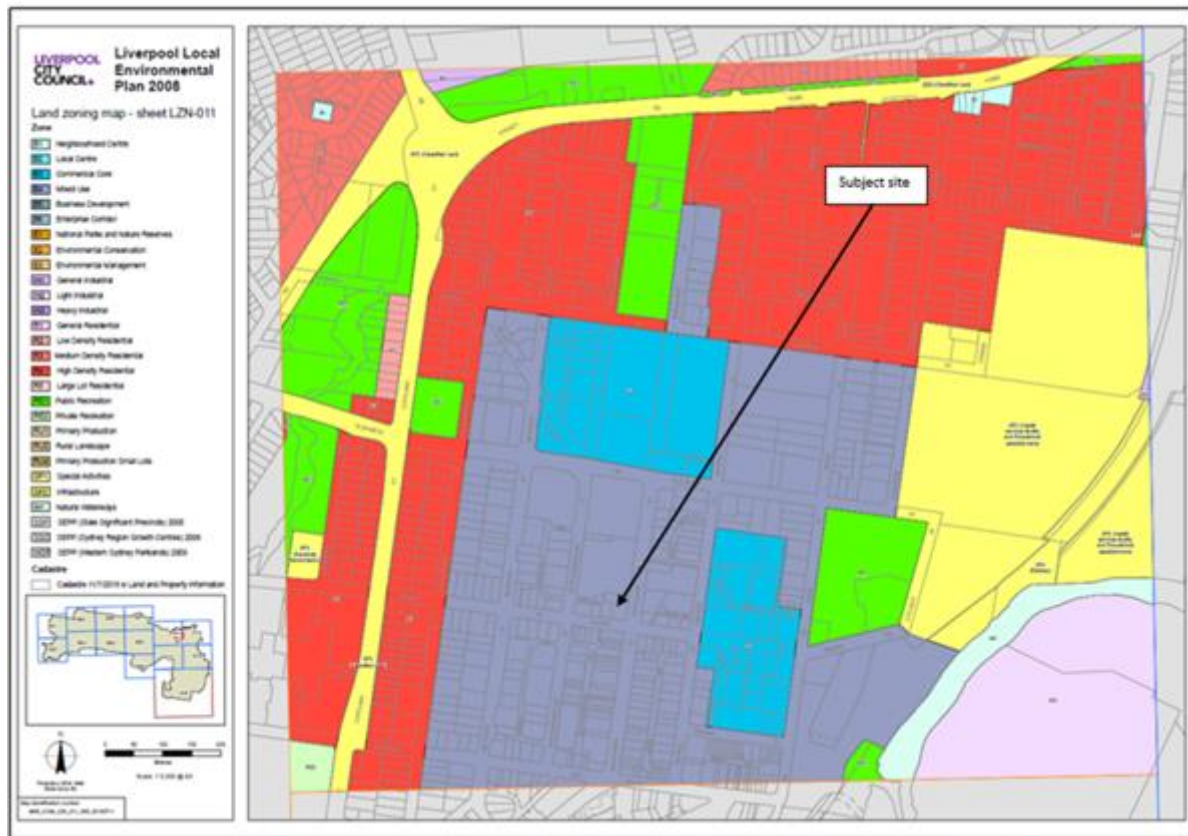
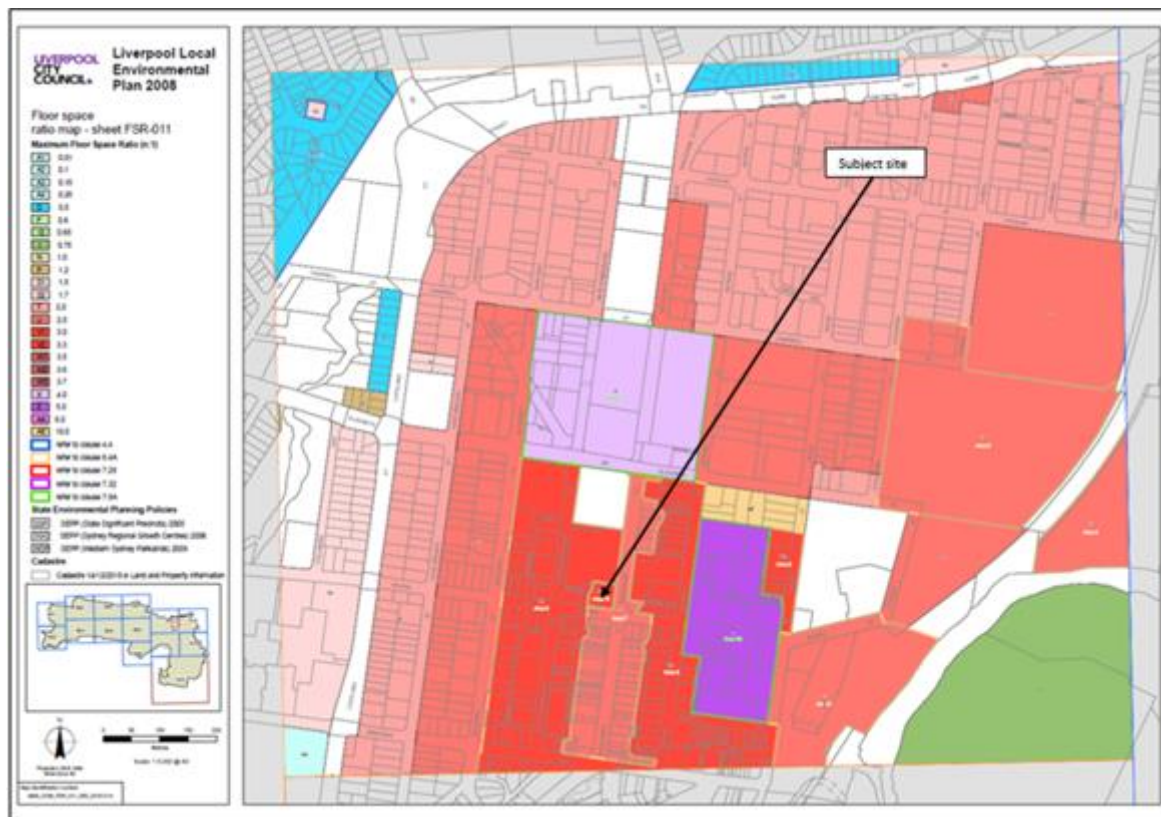


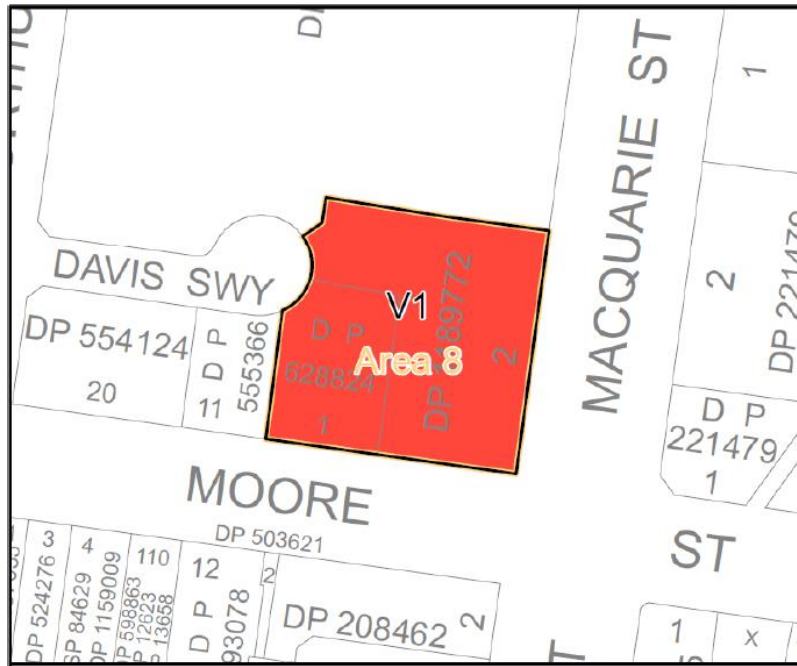
Figure 4 FSR map 011 (source: LEP)



1.5 Mapping

The planning proposal includes maps showing the location, zoning and the FSR maps (**Figures 3,4 and 5**). The planning proposal will amend the FSR map 4900_COM_FSR_011_005_20181214 to show the existing site as Area 11 to Area 8. No other map changes are proposed. The maps in the planning proposal are adequate for public exhibition.

Figure 5 Proposed FSR map



1.6 Background

Liverpool LEP 2008 - Amendment 52

The LEP Amendment 52 was made in September 2018. It rezoned the majority of land within the CBD from B3 Commercial Core to B4 Mixed Use.

The Amendment 52 introduced a bonus Clause 7.5A (Additional provisions relating to certain land at Liverpool city centre) which supports larger sites in excess of 1,500m² with two street frontages within the city centre for large scale development. These lands are shown on the FSR maps as intensive urban development areas and identified on the maps as Areas 8, 9 and 10. The subject site was not part of Amendment 52 as it was subject to a separate planning proposal (Amendment 56) to rezone the site from B3 to B4 at the time.

The amendment 52 also introduced a satisfactory arrangements Clause 7.1A (Arrangements for designated State public infrastructure in intensive urban development areas) to the LEP for necessary infrastructure contributions.

Liverpool LEP 2008 - Amendment 56

The LEP Amendment 56, which applies to the subject site was made in March 2019.

The LEP:

- rezoned the site from B3 Commercial Core to B4 Mixed Use;
- identified the site as an additional intensive urban development area on the FSR map 011 as Area 11;
- increased the permissible height on the site from 70m to 100m;

- introduced a site-specific Clause 7.40 (Maximum floor space that may be used for residential purpose for certain land in Zone B4 at Liverpool) to limit the amount of residential and commercial floor space on the site; and
- added the site to be subject to the satisfactory arrangements Clause 7.1A (Arrangements for designated State public infrastructure in intensive urban development areas).

2 Need for the planning proposal

2.1 Planning Proposal

Is the planning proposal a result of an assured local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report.

The planning proposal is not a result of any strategic planning statement, strategic study or report.

Council advises that the planning proposal is consistent with the objectives and actions in the Liverpool Collaboration Area Strategy and Local Strategic Planning Statement (LSPS). The proposal aligns with the relevant liveability and planning priorities in the LSPS to create Liverpool CBD as a vibrant and walkable 24-hour city centre environment, to deliver high density housing, attract jobs, businesses, tourism and investment in the city centre well serviced by public transport.

Is the planning proposal the best means of achieving the objectives or intended outcomes or is there a better way.

The planning proposal is considered the best means of achieving the objectives and intended outcomes. There are no alternative processes to achieve the intent of this Planning Proposal under the LEP.

2.2 Proposed changes

This planning proposal seeks to facilitate increased development potential on the subject site. The Urban Design Report discusses the potential development envisaged on the site (**Figure 1**, page 5). The future development would support approximately 180 residential apartments (14,789m²) and 4,519m² of combined retail and commercial floor space creating approximately 318 direct and indirect future jobs on an ongoing basis.

The proposal is to be achieved through the following amendments to the LLEP:

- relocate the site from 'Area 11' to 'Area 8' on the Floor Space Ratio (FSR) Map;
- repeal Clause 7.40; and
- any reference to 'Area 11' to be removed from the 'Satisfactory Arrangements' Clause 7.1A as it will no longer be identified on the FSR map.

Table 3 Current and increased development controls

	Current controls (Area 11)/proposal	Proposed controls (Area 8)/proposal
FSR	3:1	10:1 (CI 7.5A)
Height	100m	119.9m (139.5RL), Obstacle Limitation Surface (OLS) for Bankstown Airport, 5.6km away)

Dwellings	62.57% – 3620m ² - 44 dwellings	76.6% - 14,789m ² - 180 dwellings based on 82m ² /dwelling (permissible under Clause 7.5A – 15,448m ²)
Jobs	384 (and 324 construction jobs)	318 (195 direct and 123 indirect) jobs (no data on construction jobs but Council assumed higher than 324 jobs)
Commercial/Retail floor space	37.5% - 2,172m ²	Atleast 20% (Clause 7.5A) - 4,519m ² (permissible under Clause 7.5A – 3,862m ²)
Total Floor Space	5,793m ²	19,310m ²
Bonus Clause 7.5A	No	Yes
Site Specific Clause 7.40	Yes	Remove
SAC Clause 7.1A	Yes	Yes (remove Area 11)

Urban Design Report

The Urban Design Report was prepared by Urbis (18 January 2021) for the proponent, Archer & Beckett Pty Ltd. The report is at **Attachment I**.

The report considered the existing controls on the site does not reflect the Council's future desired character for the CBD and the surrounding sites. The site has more capacity to accommodate a tower form development which adheres to the DCP requirements (frontage and setbacks) and minimum impact on the solar access on the surrounding heritage items and on the public domain. **Figure 6** on page 11, below compares the achievable development under the existing and proposed development controls.

The concept design was developed for a tower form development, with 6 levels of podium and upto 37 storey (RL 119.1) tower development above. It was considered that apart from more for commercial and residential floor spaces, the proposed concept design will contribute to the desired urban design outcomes for the CBD location as follows:

- street activation along Moore Street along Moore Street and Macquarie Street Mall;
- 0m podium front setback provides street wall continuation along Macquarie Street Mall and Moore Street;
- proposed envelope reflects the surrounding future desired character of the precinct;
- the tower form on the corner of Moore Street and Macquarie Mall emphasizes the importance of this junction and forms a visual anchor at the south-western bookend of the Mall; and
- potential to co-locate ground floor public domain (through site links) and residential amenities (rooftop communal open space) with Liverpool Plaza.

Council advises there is no development application lodged with Council to date, but a DA is to be lodged once the LEP is made.

Department comment:

The Urban Design Study discusses the proposed Area 8 controls, under Clause 7.5A will potentially allow maximum height of building of RL 135.9 (building height 119.9m), which is the height of air

space penetration surface for PANS-OPS (Procedures for Air Navigation Services – Aircraft Operations) or more above the site.

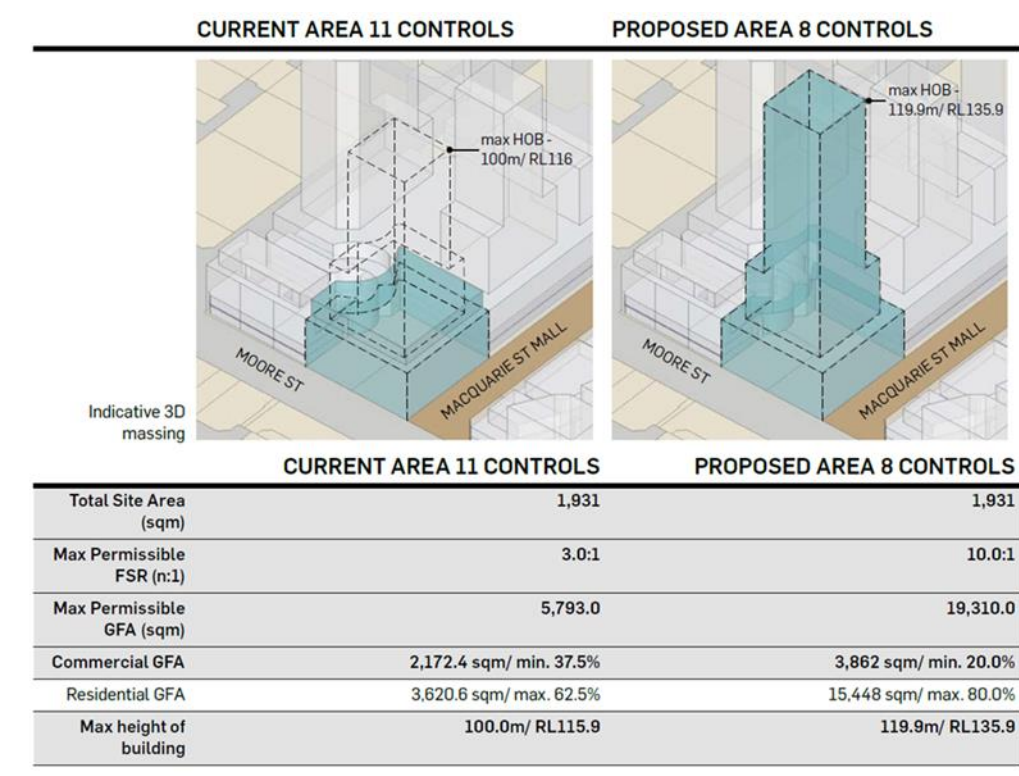
The site is 5.6km to Bankstown Airport and is in the flight path of the airport. There is no information whether Sydney Metro Airports (Bankstown Airport) has been consulted on the proposed height. It may be that the construction equipment will likely penetrate this surface if the proposed buildings are built to the maximum height as identified in the study. It is not known relevant airport authorities have been consulted on the proposed height of buildings.

It is noted that PANS-OPS are imaginary surfaces in space that guarantee an aircraft a certain minimum obstacle clearance. These surfaces are used as a tool for local governments in assessing building development and cannot be permitted to penetrate because the purpose of these surfaces is to guarantee pilots operating a descent path free of obstacles for a given approach.

It should be noted that Clause 7.17 Airspace operations of the LEP, restricts consent authority from giving consent to any DA applications that causes an intrusion into prescribed airspace (being generally airspace around airports). Any development on the site of this nature will need to be referred to Sydney Metro Airport for an aviation assessment.

Consultation with Sydney Metro Airports (Bankstown Airport) and the Department of Infrastructure, Transport, Regional Development and Communications is recommended.

Figure 6 Development control summary (source: Urban Design report)



Economic Impacts

The Economic Impact Assessment was prepared by Urbis (April, 2021) (**Attachment G**) at Council's request. The additional information supporting the planning proposal quantifies the economic benefit of the indicative concept design.

The assessment:

- confirms that the proposal has the potential to deliver 318 additional jobs (191 additional direct jobs and 123 indirect jobs in the surrounding region);

- concluded that the proposal has strategic and site-specific merit; and
- will help deliver the economic objectives in the relevant Local and strategic planning studies (i.e, City Activation Strategy and Retail Centres 2019-2024 and Corridors Study 2020) for Liverpool.

The site is within a Major Precinct (major retail and health), due to its proximity to the Macquarie Street Mall and Liverpool Plaza, in the City Activation Strategy 2019-2024 which aims to support Council in creating a well-integrated and economically vibrant City Centre. The proposal will contribute to strengthen the public activation offer to balance the currently well-developed Macquarie Mall/Westfield end of the City Centre with less developed offering at its southern end.

The proposal will facilitate a unique opportunity for the site to be developed to act as a gateway and the opportunity to incorporate a range of active ground floor retail uses and public domain improvements to encourage Council's vision for an 18-hour economy. The proposal is considered to be consistent with the aims and objectives of the City Activation Strategy.

The assessment considered the proposal to be consistent with the Liverpool Retail Centres and Corridors Study 2020 (SGS, April 2020). It will allow a mixed-use development (180 dwellings and 318 jobs) within the Liverpool City Centre, co-located with existing access to major retail centres and public transport, as well as future transport infrastructure (Fifteenth Avenue Smart Transit corridor).

Department comment:

The subject site is within Liverpool CBD and surrounded by B3 and B4 zones. Majority of the CBD land has been rezoned through Amendment 52 to the LEP, to revitalise the CBD. The proposal will facilitate potential development on the site through mixed uses (180 dwellings and 318 jobs) with access to new public spaces, community facilities and public transport. It has been established that developments on the CBD sites, including the subject site are catalyst to activate the city centre. It will deliver and facilitate employment capacity targets, reinvigorate the city centre economic support precincts, assets and opportunities.

Heritage and Archaeological Assessment

An addendum Heritage Statement and Preliminary Heritage Archaeological Assessment (Urbis, January 2021) have been prepared to support this planning proposal (**Attachments F and H**). This is further to the Heritage Impact Study (August 2016, Urbis) prepared for the original LEP made in 2019.

The archaeological assessment recommends that a detailed Historical Archaeological Assessment (HAA), Archaeological Research Design (ARD) and Aboriginal Due Diligence Assessment (ADD) are prepared at the DA stage.

The Archaeological assessment identified the requirements at DA stage and any works on the subject site which would disturb the ground surface, and the need for an Excavation Permit under Section 140 of the *Heritage Act 1977*.

The addendum Heritage Statement assesses the potential built form outcome, its likely heritage impacts on heritage items in the vicinity, including the Corner Pub (Local No. i95); The Plan of Town of Liverpool (Local No. i89); and Saint Luke's Church (State No. i84) (**Figure 7**, on page 13).

The assessment concluded that any future development will be contained within the site and will not result in visual or solar impacts to the state-listed Saint Luke's Church. The heritage significance of Macquarie Street and Moore Street relate to their original Hoddle street pattern and layout, will remain unchanged. The findings of the comprehensive Heritage Impact Statement provided in 2017 for Amendment 56 and the addendum Heritage Statement demonstrates that the proposal can be supported from a heritage perspective.

The planning proposal states that while the built form would be of a higher scale than that is enabled under Amendment 56, it would similarly be in line with the future intended character of the area and

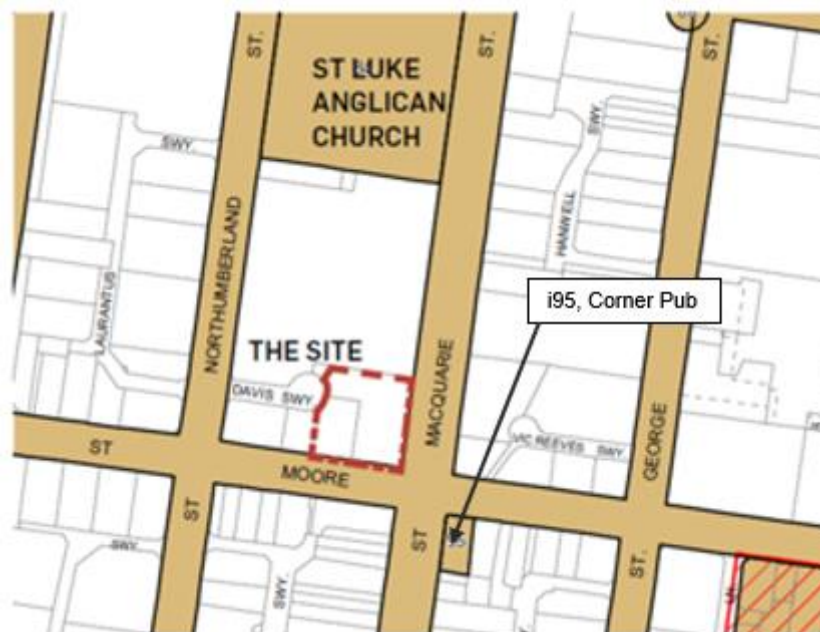
is sufficiently articulated/separated from the heritage items to ensure that it would not be visually dominant.

Department comment:

The solar access analysis in the Urban Design Study for the potential development envelope on the site identifies that the shadow study between 9am and 3pm in mid-winter will have limited additional shadow impact to the solar access within Macquarie Street Mall but the public domain still receives a minimum of 2hour sunlight. Page 27 of the Urban Design Study shows that the Corner Pub (Local No. i95) will be shaded only for an hour, between 2pm and 3pm which is considered acceptable.

St Luke Anglican Church is a State Heritage item (State No. i84) and is in the vicinity of the subject site. The Urban Design Study shows that the potential development on the site will not cast overshadow on the item. The Heritage Statement assures the potential development on the site, as identified in the Urban Design Study will not impact visually on the State heritage item. To validate this outcome, it is conditioned that the Heritage NSW is consulted on this matter.

**Figure 7 Adjoining Heritage items
(source: Heritage Study)**



3 Strategic assessment

3.1 Western City District Plan

The Western City District Plan applies to the site. The District Plan contains planning priorities and actions to guide the growth of the district while improving its social, economic, and environmental assets.

Liverpool is identified as a Metropolitan cluster in the Western City District Plan. The planning proposal will contribute, and is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined in **Table 4**, below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 4 Western City District Plan assessment

District Plan Priorities	Justification
INFRASTRUCTURE AND COLLABORATION	
Planning Priority W1: Planning for a city supported by infrastructure choice and Planning	The site's access to major health and education services and public transport makes it an ideal location to facilitate further development which can leverage off existing infrastructure. The proposal will contribute and give effect to this planning priority.
Planning Priority W2 Working through collaboration	<p>The site is within the Liverpool City Centre – Core as identified in the Liverpool Collaboration Place Strategy (2018), endorsed by the GSC. Liverpool City Centre – Core is considered the primary commercial centre for Liverpool and a mixed use central business district accommodating high-order retail, commercial office, government services, schools and TAFE, and residential apartments.</p> <p>The proposal is consistent with the strategy. It will facilitate more dwellings and jobs in the City Centre Core and contributes to the planning priorities (vision, priorities and actions) that will improve quality of life as Liverpool Metropolitan Cluster grows and changes.</p>
LIVEABILITY	
Planning Priority W3: Providing services and social infrastructure to meet people's changing needs	The proposal will increase residential dwellings within the city centre, integrated with delivery of services and infrastructure to support the growth, and respond to the different needs of population.
Planning Priority W5: Providing housing supply, choice and Planning	<p>The site can provide housing in a mixed-use area comprising a variety of dwelling typologies which will contribute to Liverpool's dwelling target of 87,261 by 2026. The site is also located within the city centre and near transport infrastructure with good access to jobs and contributes to the planning for 30-minute cities vision.</p> <p>The site is co-located amongst a range of education, community facilities and health services that can support the daily needs of residents.</p>
Planning Priority W6 – Creating and renewing great places and local centres and respecting the District's heritage	Action 22 Use place-based planning to support the role of centres as a focus for connected neighbourhoods. The site consists of underdeveloped low-rise retail buildings and at grade car parking spaces. The proposal will facilitate a potential development on the site that contributes to revitalise the CBD with access to infrastructure, community facilitates and access to jobs.
PRODUCTIVITY	

Planning Priority W9 - Growing and strengthening the metropolitan cluster	<p>Action 42 (g) Encourage a vibrant mix of uses, new lifestyle and entertainment uses to activate streets and grow the night-time economy.</p> <p>The proposal will facilitate a development that will increase housing supply and jobs in the CBD and contribute to further strengthening the Metropolitan Cluster and Council's vision for the CBD to support transformation into a vibrant destination with a strong 24-hour economy. It will have access to health and education facilities and contribute to the 30-minute city vision.</p>
Planning Priority W11 – Growing investment, business opportunities and jobs in strategic centres	<p>The site is identified within the Liverpool CBD Metropolitan Cluster. The proposal will facilitate a potential mixed use development on the site that contributes to revitalise the CBD and attract new business investment to support an increase in jobs of 10,000 – 20,000 in the CBD and 200,000 jobs in Western Sydney over the next 20 years.</p>

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies as well as the local strategic direction and objectives, as stated in the table below:

Table 5 Local strategic planning assessment (source: Planning Proposal)

Planning Priority	Justification
Local Planning Priority 5: A vibrant, mixed-use and walkable 24-hour City Centre with the Georges River at its heart	The planning proposal will enable the future development of a mixed-use building within the heart of the Liverpool city centre. Consistent with the vision for a vibrant and walkable 24-hour CBD, the site's future redevelopment will comprise a residential component with direct access to local services and retail and ground floor retail uses to activate the streetscape.
Local Planning Priority 7: Housing choice for different needs, with density focused in the City Centre and centres well serviced by public transport.	The planning proposal seeks to relocate the site from 'Area 11' to 'Area 8' on the LLEP 2008 FSR Map. Through this amendment, the site will benefit from incentivised uplift in FSR and unrestricted height controls. The uplift will allow for a future mixed-use development which comprises up to 80% residential GFA. This will provide increased dwelling capacities and varied unit mixes within the city centre which has direct access to public transport.
Local Planning Priority 11: An attractive environment for local jobs, business, tourism and investment.	The site is currently occupied by poorly maintained low-rise retail buildings which do not present positively to the streetscape. This proposal will deliver on the B4 Mixed Use zoning of the site by establishing the development controls that will facilitate an attractive mixed-use development. This will increase the overall quantity of commercial floor space that is able to be achieved on site. The provision of additional residential floor space will also support local businesses and drive investment within the Liverpool city centre.

Council considered the proposal has strategic and site-specific merit, noted the Local Planning Panel's advice, and resolved at its meeting on 26 May 2021 (**Attachment E**) to support the proposal to proceed to the Department for a Gateway determination.

3.3 Local planning panel (LPP) recommendation

The Liverpool Local Planning Panel considered the proposal on 3 May 2021. The Panel considered that the proposal is to bring the site into conformity with the surrounding sites that are currently identified as Area 8 on the FSR map. The Panel report and advice are at **Attachment s D1 and D2**.

The Panel considers that the proposed zoning will have benefits to the City Centre by encouraging a higher resident population close to the City Centre amenities and additional commercial floor space than is currently permitted on the site. The Panel recommended Council further investigate building envelope controls for future development to:

- Minimise overshadowing on Macquarie Mall; and
- Ensure carparking is constructed below ground level, rather than adding to the bulk of the building above ground level.

The Panel concluded that the planning proposal demonstrates strategic and site-specific merit and recommended that the planning proposal proceeds to a Gateway determination.

Department comment:

The Panel's recommendations are matters that can be addressed and accommodated by Council at DA stage.

3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 6 Section 9.1 Ministerial Direction assessment

Directions	Consistent/Not Applicable	Reasons for Consistency or Inconsistency
<p>1.1 Business and Industrial Zones</p> <p>The objectives of this direction are to encourage employment growth in suitable locations and support the viability of identified centres.</p>	Consistent	<p>This Direction applies to business or industrial zoned land.</p> <p>The planning proposal does not amend the existing B4 Mix Use on the site or reduce the available land zoned for business use. It will allow for greater flexibility in the permissible uses on the site and facilitate a potential development which will support and encourage 318 jobs on the site and further contribute to the role and viability of Liverpool CBD as a Metropolitan Cluster.</p>
<p>2.3 Heritage Conservation</p> <p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p>	Inconsistency (minor significance)	<p>This Direction applies because the site is in the vicinity of locally listed heritage items (the Corner Pub and The Plan of Town of Liverpool) and a state listed heritage item, Saint Luke's Anglican Church.</p> <p>The addendum Heritage Statement at Attachment F confirms that the proposal will not result in any adverse impacts on nearby heritage items as the items are sufficiently separated from the subject site.</p> <p>It is recommended for consultation with the Heritage NSW.</p>

<p>2.6 Remediation of Contaminated Land</p> <p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered when making the planning proposal.</p>	Consistent	<p>The site is not known to have been used for any contaminating uses in the past. It currently comprises retail buildings and at-grade car parking and is not considered to have risk or harm to human health.</p>
<p>3.1 Residential Zones</p> <p>This Direction seeks to encourage a variety and choice of housing types to provide for existing and future housing needs. It also seeks to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure.</p>	Consistent	<p>The proposal is consistent with the direction. It will:</p> <ul style="list-style-type: none"> • facilitate a potential mixed-use development of 14,789m² residential floor space for 180 dwellings in the Liverpool CBD, within the vicinity of existing major rail and bus interchange; • provide additional dwellings with access to jobs, goods and services in centre; and • facilitate the revitalisation of the Liverpool City Centre.
<p>3.4 Integrating Land Use and Transport</p> <p>The Direction encourages new development in locations that are accessible to public and active transport.</p>	Consistent	<p>The site is within the vicinity of public transport infrastructure.</p> <p>The proposal is consistent with the Direction as it will facilitate a new development in a location that is within the vicinity of public transport infrastructure and support the 30-minute cities vision in the Western City District Plan.</p>
<p>3.5 Development Near Licensed Aerodromes</p> <p>The relevant objectives of this direction are to ensure the effective and safe operation of regulated airports and defence airfields and to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity.</p>	Consultation with relevant agencies	<p>The site is located within 5.6km from Bankstown Airport and is in the flight path of the airport. The proposal states that the prescribed air space penetration surface for PANS-OPS at the site is RL135.9.</p> <p>The proposed Area 8 controls, under Clause 7.5A will potentially allow maximum height of building of RL 135.9 (building height 119.9m), which is the height of air space penetration surface or beyond. It is not known the construction equipment are required to operate at heights higher than the building height and would therefore encroach into this space.</p> <p>Consultation with Sydney Metro Airports (Bankstown Airport) and the Department of Infrastructure, Transport, Regional Development and Communications is recommended to address this direction.</p>
<p>6.3 Site Specific Provisions</p> <p>The objective of this Direction is to discourage unnecessarily restrictive site-specific planning controls.</p>	Consistent	<p>The planning proposal seeks to remove a site-specific Clause 7.40 to the LEP and apply in existing site-specific Clause 7.5A. This is to bring the subject land into line with the controls on adjoining land to the north and west in the CBD.</p> <p>The proposal is of a minor nature. It will not make further restrictions on the land.</p>

3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs.

4 Site-specific assessment

4.1 Environmental

The site is highly modified for urban development. It is not expected that the planning proposal will have impact on any critical habitat or threatened species, populations, or ecological communities.

The following **Table 7**, page 18 provides an assessment of the potential environmental impacts associated with the proposal, and management.

Table 7 Environmental impact assessment

Environmental Impact	Assessment
Heritage	<p>The site is in the vicinity of locally listed heritage items (the Corner Pub and The Plan of Town of Liverpool and a state listed heritage item, Saint Luke's Anglican Church.</p> <p>The addendum Heritage Statement at Attachment F and the Urban Design Study at Attachment I confirm that the proposal:</p> <ul style="list-style-type: none"> • while would allow a higher scale development than the development under the existing controls it would similarly be in line with the future intended character of the area; • is sufficiently separated from the heritage items to ensure that it would not be visually dominant; and • will not result in any adverse impacts on nearby heritage items. <p>It is recommended for consultation with the Heritage NSW.</p>
Height of building	<p>The site is located within 5.6km from Bankstown Airport and is in the flight path of the airport. The proposed Area 8 controls, under Clause 7.5A will potentially allow maximum height of building of RL 135.9 (building height 119.9m) which is the height of air space penetration surface or beyond. It is not known the construction equipment are required to operate at heights higher than the building height and would therefore encroach into this space.</p> <p>Consultation with Sydney Metro Airports (Bankstown Airport) and the Department of Infrastructure, Transport, Regional Development and Communications is recommended to address this direction.</p>

4.2 Infrastructure

The following **Table 8**, page 13 provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 8 Infrastructure assessment

Infrastructure	Assessment
Traffic and transport	<p>Council advises that:</p> <ul style="list-style-type: none"> the traffic impacts will be negligible in the context of the broader transformation currently and likely to occur throughout the Liverpool CBD; the site is well serviced by public transport and it is expected that the Liverpool commercial core grows, car dependency will decrease; and. detailed traffic and parking impacts are required to be assessed at the DA stage. <p>The satisfactory arrangements Clause 7.1A of the LEP requires a payment levied per dwelling to be made to contribute to the cost of State public infrastructure in the vicinity of Liverpool City Centre as part of any DA. The clause gives certainty and ensure funding towards regional road and transport infrastructure.</p> <p>The existing monetary contribution for identified regional road and transport infrastructure works in and around the CBD to accommodate future developments envisaged in the City Centre is approximately \$10,000/dwelling. This is provided for under Clause 7.1A and applies to the subject site.</p> <p>Further monetary contribution requirements for upgrades to local transport infrastructure to support the proposed growth in the CBD under Council's Section 7.11 Plan also applies to the site.</p> <p>Council considered that existing development contributions will be adequate in addressing the preliminary traffic and parking impacts.</p>

4.3 Socio Economic Impact

Table 9, below shows the planning proposal will provide significant social and economic benefits to the Liverpool city centre which will be further realised during the detailed design stage.

Table 9 Socio Economic Impact

Socio Economic	Assessment
Social	<p>The planning proposal will facilitate the delivery of:</p> <ul style="list-style-type: none"> jobs and homes within the CBD location near transport infrastructure, and close to local health services and education institutions; increased housing diversity and supply in the CBD; increased commercial and retail floor space in the CBD core contributing to the role of the CBD and reinvigorate the CBD of its Metropolitan Cluster classification in the Western City District Plan; better urban design outcomes (i.e. bulk and scale, passive surveillance opportunities and through site links etc.)

Socio Economic	Assessment
Economic	<p>The potential development facilitated by the planning proposal will result in an overall net increase in commercial/retail floor space for employment-generating uses on site. It will accommodate approximately 318 direct and indirect jobs.</p> <p>Council advises that the outcome of this planning proposal is in line with Council's vision to retain and increase commercial floor space within the Liverpool CBD and provides the opportunity for additional employment (retail and commercial) with close access to public transport.</p> <ul style="list-style-type: none"> • The planning proposal will facilitate development that will: • provide a catalyst for further investment in the CBD; • contribute to increased housing diversity and affordability in the LGA and District; • provide jobs closer to home and contributing to the LGA's employment targets; and • contribute to the 30-minute city vision for Greater Sydney.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate, and forms the conditions of the Gateway determination.

5.2 Agencies

The proposal does not specify which agencies will be consulted.

It is recommended the following agencies be consulted on the planning proposal and given 28 days to comment:

- Heritage NSW
- TfNSW
- Sydney Metro Airports (Bankstown Airport)
- Department of Infrastructure, Transport, Regional Development and Communications

6 Timeframe

Council proposes approximately 6 month time frame to complete the LEP.

The Department recommends a time frame of 12 months to ensure adequate consultation with state agencies and the community is undertaken given Councillor elections. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the planning proposal is of a minor nature, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- the proposal will facilitate increased commercial and retail floor space in the CBD core contributing to its role as a Metropolitan Cluster;
- increase jobs, housing diversity and supply within the CBD location near transport infrastructure, close to local health services and education facilities;
- improve public domain and urban design outcomes (i.e. bulk and scale, passive surveillance opportunities, pedestrian networks and through site links);
- the traffic impacts and the need for regional transport infrastructure upgrades and network improvements to accommodate future developments envisaged on the site have been accounted for by way of satisfactory arrangements under Clause 7.1A of the LEP; and
- the proposed amendment is consistent with the Western City District Plan and the Liverpool Local Strategic Planning Statement as it will deliver and facilitate employment capacity targets, reinvigorate the city centre economic support precincts, assets and opportunities.

9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days in accordance with the guide to preparing local environmental plans.
2. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
3. The planning proposal must be exhibition within 3 months from the date of the Gateway determination.
4. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.

Thomas

(Signature)

13 July 2021

Thomas Holmes

A/Manager, Western District

Assessment officer

Cho Cho Myint

Senior Planner, Western District

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Attachments

Attachment	Title
Report	Gateway determination report
A	Planning proposal
B	Gateway determination
C	Letter to Council
D1	Local Planning Panel Report
D2	Local Planning Panel Report
E	Council Report and resolution
F	Addendum Heritage Statement
G	Economic Impact Addendum
H	Preliminary Archaeological Assessment
I	Urban Design Study